

1 KELLER BENVENUTTI KIM LLP
2 Jane Kim (#298192)
(jkim@kbkllp.com)
3 David A. Taylor (#247433)
(dtaylor@kbkllp.com)
4 Thomas B. Rupp (#278041)
(trupp@kbkllp.com)
5 650 California Street, Suite 1900
San Francisco, CA 94108
6 Tel: (415) 496-6723
Fax: (650) 636-9251

7 *Attorneys for Debtors and Reorganized
8 Debtors*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF JENNIFER L. DODGE INC.
Jennifer L. Dodge (#195321)
(jdodgelaw@jenniferdodgelaw.com)
2512 Artesia Blvd., Suite 300D
Redondo Beach, California 90278
Tel: (310) 372.3344
Fax: (310) 861.8044

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

12
13
14
15
16
17
18
19
20
21
In re:
PG&E CORPORATION,

Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

22
23
24
25
26
27
28
- and -
**PACIFIC GAS AND ELECTRIC
COMPANY,**
Debtors.

**REORGANIZED DEBTOR PACIFIC
GAS AND ELECTRIC COMPANY'S
MOTION IN LIMINE NO. 5 TO
EXCLUDE TESTIMONY REGARDING
WORK AT 31 BOLINAS ROAD AND
RELATED RECORDS (EXHIBITS I-O,
Q-Z, AA-CC & EE) AT TRIAL OF
CLAIM NO. 77335 (TODD
GREENBERG)**

22
23
24
25
26
27
28
 Affects Pacific Gas and Electric Company

22
23
24
25
26
27
28
Trial: June 27, 2022
Time: 9:00 a.m. (Pacific Time)
Place: (Via Zoom Videoconference)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

* All papers shall be filed in the Lead Case,
No. 19-30088 (DM).

1 In compliance with the Scheduling Order for Remote Trial entered by this Court on
2 February 16, 2022 [Dkt. No. 11943], Pacific Gas and Electric Company (the “**Utility**”), as
3 debtor and reorganized debtor (“**PG&E**” or “**Reorganized Debtor**”) in the above-captioned
4 Chapter 11 cases (the “**Chapter 11 Cases**”), with regard to Proof of Claim number 77335 (the
5 “**Claim**”) filed by Todd Greenberg (“**Greenberg**” or “**Claimant**”), pursuant to Section 502 of
6 Title 11 of the United States Code (the “**Bankruptcy Code**”), hereby files this Motion in
7 Limine No. 5 to (1) exclude hearsay testimony of Greenberg regarding work being done at 31
8 Bolinas Road pursuant to Federal Rule of Evidence 802, and (2) to exclude testimony regarding
9 the 31 Bolinas Road work and related Exhibits I-O, Q-Z, AA-CC and EE, as they are not
10 relevant and would tend to confuse the issues, cause undue delay and waste time, pursuant to
11 Federal Rule of Evidence 803.

12 In accordance with the Scheduling Order regarding Pre-Trial Objections and Motions in
13 Limine, counsel for PG&E certifies that she has complied in good faith with the meet and confer
14 requirements set forth therein and that she has met and conferred with counsel for Greenberg
15 prior to filing this Motion in Limine. Declaration of Jennifer L. Dodge (“Dodge Decl.”), ¶ 3.

16 **I. GREENBERG’S TESTIMONY REGARDING THE 31 BOLINAS WORK IS
17 HEARSAY AND MUST BE EXCLUDED UNDER FRE 802.**

18 Greenberg has focused his energy on the work that was done at 31 Bolinas Road by
19 Veteran Power and argues in his Trial Brief that it must have caused some sort of power
20 disruption while he was away on vacation. The Trial Brief states that Greenberg will testify that
21 PG&E experienced difficulties and delays at the 31 Bolinas Road job and that Greenberg was
22 told by crew members that the job caused outages, fluctuations and surges. [Dkt. No. 12517, p.
23 3] This testimony would constitute pure hearsay as it is being offered for its truth and must be
24 excluded under Federal Rule of Evidence 802.

25 ///

26 ///

27 ///

28 ///

1 **II. EVIDENCE REGARDING THE 31 BOLINAS JOB SHOULD BE EXCLUDED**
2 **UNDER FRE 403 BECAUSE IT WOULD CONFUSE THE ISSUES, CAUSE**
3 **UNDUE DELAY AND WASTE TIME.**

4 Any evidence or testimony regarding the 31 Bolinas job should be excluded under
5 Federal Rule of Evidence 403, because any probative value would be substantially outweighed
6 by confusing the issues, undue delay and wasting time. The issue at hand is whether there was
7 an outage on the electrical circuit that provides power to Greenberg's property. It is not work
8 being done by a contractor at the neighboring property, to which Greenberg devotes the majority
9 of his Trial Brief. Moreover, none of the many Veteran Power job documents Greenberg
10 attaches as exhibits establishes that there was any interruption of power during the relevant time
11 period.

12 Greenberg alleges that PG&E falsely claimed that no work was being done in Fairfax
13 during the relevant time period. [Dkt. No. 12517, p. 3] This is simply not true; PG&E
14 represented that "no work was being conducted by PG&E **on the San Rafael 1108 Circuit** (that
15 provides power to 47 Bolinas Road) from February 14 to 21, 2016, the period during which
16 Greenberg was out of town" (emphasis added) [Dkt. No. 12517, p. 2] Greenberg conflates work
17 done on the electrical circuit with work done on the 31 Bolinas job. They are not the same
18 thing. This is a perfect example of how Greenberg confuses the issues and demonstrates how
19 evidence and testimony regarding the 31 Bolinas job will cause undue delay and waste time at
20 trial.

21 Greenberg also argues that PG&E refused to produce daily work reports regarding the 31
22 Bolinas job so that an inference must be drawn that fuses were blown while Greenberg was
23 away on vacation. [Dkt. No. 12517, p. 8] This is simply ridiculous and sheer speculation not
24 supported by any evidence. PG&E contracted out the 31 Bolinas job to Veteran Power and did
25 not prepare daily work reports.

26 ///

27 ///

28 ///

III. CONCLUSION

For the foregoing reasons, PG&E respectfully submits that Greenberg's testimony regarding the 31 Bolinas work must be excluded, and that any evidence or testimony regarding the 31 Bolinas work, including but not limited to, Exhibits I-O, Q-Z, AA-CC and EE, should be excluded from the trial of this matter.

June 21, 2022

Respectfully submitted,

KELLER BENVENUTTI KIM LLP

LAW OFFICES OF JENNIFER L. DODGE INC.

By:

Jennifer L. Dodge

Attorneys for Debtors and Reorganized Debtors